



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 22, 2021

TIME: 1:59 PM

WSR 21-13-150

Agency: Department of Ecology AO #19-10

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Chapter 173-224 WAC- Water Quality Permit Fees. The purpose of this chapter is to establish a permit fee system for state waste discharge and National Pollutant Discharge Elimination System (NPDES) permits issued by Ecology pursuant to RCW 90.48.160, 90.48.162, or 90.48.260.

RCW 90.48.465 requires Ecology to establish, by rule, annual permit fees to recover the cost of administering the wastewater and stormwater permit programs. Ecology is adopting Chapter 173-224 WAC – Water Quality Permit Fees in response to this law.

Ecology is adopting this rule amendment to continue recovering expenses in operating and managing the permit programs. Given the unprecedented changes to our state and the economy during the pandemic, Ecology will maintain permit fees at their current rate for the next two years.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: Chapter 173-224 WAC
- Suspended:

Statutory authority for adoption: RCW 90.48.465

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 20-23-022 on June 22, 2021 (date).

Describe any changes other than editing from proposed to adopted version: Minor edits considered not-significant to WAC 173-224-040 (3) (h) to clarify the legal limitation on Ecology's ability to assess a fee against municipal wastewater facilities in excess of the statutory cap

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Ligeia Heagy

Address: Department of Ecology, Water Quality Program, PO Box 47600, Olympia, WA 98504-7600

Phone: (360) 280-3697

Fax: N/A

TTY: People with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington Relay Service at 711)

Email: wqfee_unit@ecy.wa.gov

Web site:

Other: N/A

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	<u>5</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	<u>5</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: 6/22/2021
Name: Laura Watson
Title: Director

Signature:

